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United States Attorney
2 Attorney for Plaintiff
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) No. CR-04-0417-MMC
12)
13 Plaintiff,) VIOLATIONS: 21 U.S.C. § 841(a)(1) --
14) Possession of Cocaine Base With Intent to
15) Distribute; 21 U.S.C. § 844(a) – Possession of
16) Methamphetamine and Marijuana; 18 U.S.C.
17) § 931(a) – Possession of Body Armor by
18) Person Convicted of a Crime of Violence;
19) 21 U.S.C. §§ 841(a)(1), 846 – Attempt to
20) Distribute Cocaine Base; 21 U.S.C. § 860 --
21) Possession of Cocaine Base With Intent to
22) Distribute, and Attempt to Distribute Cocaine
23) Base Within 1,000 Feet of a Public
24) School and Public Housing Facility;
25) 18 U.S.C. §§ 894(a)(1) and (2) – Use of
26) Extortionate Means to Collect and Attempt to
27) Collect an Extension of Credit, and to Punish
28) for Non-Payment of Debt; 18 U.S.C.
§ 924(c)(1)(A) – Using, Carrying, and
Possessing Firearm During and In Relation to
Drug Trafficking Crime; 18 U.S.C.
§ 922(g)(1) – Felon in Possession of Firearm
and Ammunition.
HENRY TOBIAS,)
Defendant.) SAN FRANCISCO VENUE
_____)

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26 S U P E R S E D I N G I N D I C T M E N T

27 The Grand Jury charges:
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1 COUNT ONE: 21 U.S.C. § 841(a)(1)

2 On or about May 1, 2004, in the Northern District of California, the defendant
3 HENRY TOBIAS
4 did knowingly and intentionally possess with intent to distribute cocaine base, a Schedule
5 II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).
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7 COUNT TWO: 21 U.S.C. § 860(a)

8 On or about May 1, 2004, in the Northern District of California, the defendant
9 HENRY TOBIAS
10 did knowingly violate 21 U.S.C. § 841(a)(1) by possessing with intent to distribute
11 cocaine base within one thousand (1,000) feet of a public housing facility owned by a
12 public housing authority, in violation of Title 21, United States Code, Section 860(a).
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14 COUNT THREE: 21 U.S.C. § 844(a)

15 1. On or about May 1, 2004, in the Northern District of California, the defendant
16 HENRY TOBIAS
17 did knowingly and intentionally possess methamphetamine, a Schedule II controlled
18 substance.

19 2. Prior to the date of the offense alleged herein, the defendant had been
20 convicted of a drug offense under state law, and this conviction had become final.

21 All in violation of Title 21, United States Code, Section 844(a).
22

23 COUNT FOUR: 21 U.S.C. § 844(a)

24 On or about May 1, 2004, in the Northern District of California, the defendant
25 HENRY TOBIAS
26 did knowingly and intentionally possess marijuana, a Schedule I controlled substance.

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2. Prior to the date of the offense alleged herein, the defendant had been
convicted of a drug offense under state law, and this conviction had become final.

All in violation of Title 21, United States Code, Section 844(a).

COUNT FIVE: 21 U.S.C. § 844(a)

1. On or about May 16, 2004, in the Northern District of California, the defendant
HENRY TOBIAS
did knowingly and intentionally possess marijuana, a Schedule I controlled substance.

2. Prior to the date of the offense alleged herein, the defendant had been
convicted of a drug offense under state law, and this conviction had become final.

All in violation of Title 21, United States Code, Section 844(a).

COUNT SIX: 21 U.S.C. § 844(a)

1. On or about May 16, 2004, in the Northern District of California, the defendant
HENRY TOBIAS
did knowingly and intentionally possess methamphetamine, a Schedule II controlled
substance.

2. Prior to the date of the offense alleged herein, the defendant had been
convicted of a drug offense under state law, and this conviction had become final.

All in violation of Title 21, United States Code, Section 844(a).

COUNT SEVEN: 18 U.S.C. § 931(a)

1. On or about May 16, 2004, in the Northern District of California, the defendant
HENRY TOBIAS
did knowingly possess body armor.

2. Prior to the date of the offense alleged herein, the defendant had been
convicted of a felony crime of violence, to wit, first degree burglary under Section 459 of
the California Penal Code.

All in violation of Title 18, United States Code, Section 931(a).

1 such debt, in violation of Title 18, United States Code, Sections 894(a)(1) and (2).

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3 COUNT TWELVE: 18 U.S.C. §§ 894(a)(1) and (2)

4 On or about November 29, 2004, in the Northern District of California, the
5 defendant

6 HENRY TOBIAS

7 did knowingly use extortionate means to collect and attempt to collect an extension of
8 credit, namely, a debt owed to the defendant for cocaine base distributed (“fronted”) by
9 the defendant to a person on credit, and to punish Marcellus Green for the non-repayment
10 of such debt, in violation of Title 18, United States Code, Sections 894(a)(1) and (2).

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12 COUNT THIRTEEN: 18 U.S.C. § 924(c)(1)(A)

13 1. On or about November 29, 2004, in the Northern District of California, the
14 defendant

15 HENRY TOBIAS

16 did knowingly use and carry a firearm during and in relation to (a) the drug trafficking
17 crime charged in Count Ten, and (b) the crime of violence charged in Count Twelve, and
18 did knowingly possess a firearm in furtherance of such crimes.

19 2. In committing the crime alleged in paragraph one herein, the defendant
20 brandished a firearm.

21 All in violation of Title 18, United States Code, Section 924(c)(1)(A).

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1 COUNT FOURTEEN: 18 U.S.C. § 922(g)(1)

2 1. On or about November 29 and 30, 2004, in the Northern District of California,
3 the defendant

4 HENRY TOBIAS

5 did knowingly possess a firearm, described as an Arminius, .38 caliber revolver, serial
6 number 0515743, and ammunition, in and affecting commerce.

7 2. Prior to the date of the offense alleged herein, the defendant had been
8 convicted of a felony crime punishable by a term of imprisonment exceeding one year.

9 All in violation of Title 18, United States Code, Section 922(g)(1).

10
11 A TRUE BILL.

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13 Dated: _____

14 FOREPERSON

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19 KEVIN V. RYAN
20 United States Attorney

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22 EUMI L. CHOI
23 Chief, Criminal Division

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25 (Approved as to form: _____)
26 AUSA: GLBEVANJR.